IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

MACA.No. 636 of 2007

OPMV.1417/1999 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
.....

APPELLANT/PETITIONERS 3 TO 5 IN OP(MV)
-------- ----------

1. LISSY, D/O.OUSEPH,
GNARELELI HOUSE, RESIDING AT PAZHASSI NAGAR,
KODAKARA VILLAGE, KANAKAMALA P.O.,
MUKUNDAPURAM TALUK.

2. XAVIER, S/O.OUSEPH,
GNARELELI HOUSE, RESIDING AT PAZHASSI NAGAR,
KODAKARA VILLAGE, KANAKAMALA P.O.,
MUKUNDAPURAM TALUK.

3. BABU, S/O.OUSEPH,
GNARELELI HOUSE, RESIDING AT PAZHASSI NAGAR,
KODAKARA VILLAGE, KANAKAMALA P.O.,
MUKUNDAPURAM TALUK.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS: RESPONDENTS IN OP(MV)
----

1. J.S.PRAKASH, S/O.P.J.JOSEPH,
MANAGING PARTNER, ROSE COMPUTERISED EYE TESTING &
CONTACT LENS CLINIC, STATUE, TRIVANDRUM.

2. MANAGER, NATIONAL INSURANCE CO.LTD.,
BRANCH NO.1, P.B.NO.60, SOUNDARYA BUILDINGS,
TRIVANDRUM.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.A.C.A.No. 636 of 2007

Dated this the 23rd day of May, 2007

Judgment

Koshy, J.

Appellants filed claim petition claiming compensation for the death of their mother. Originally, claim petition was filed by the injured herself and during the pendency of the claim petition, the injured died. Thereafter, the husband as well as children were impleaded as additional petitioners 2 to 5. During the pendency of the claim petition itself, the second petitioner, namely, husband of the injured also died. Originally, claim petition was allowed by the tribunal awarding an amount of Rs.1,12,512/- as compensation. Dissatisfied with the above award, appellants preferred M.A.C.A.No.95 of 2005 before this Court and the same was allowed by way of remand thereby permitting the appellants to adduce fresh evidence. After remand, evidence was adduced. Total compensation of Rs.1,31,512/- with interest was awarded by the tribunal after considering the evidence. The deceased was aged 60. There was no reliable evidence to show that she was educated or employed. Tribunal fixed

Rs.1,500/- as notional monthly income. Considering the age, multiplier was fixed as 5 and loss of family dependency was fixed at Rs.1,000/- and compensation was calculated. Children who are the present appellants are all well settled in life and dependency compensation allowed by taking 5 as multiplier considering the age of the deceased and Rs.12,000/- as loss of yearly dependency cannot be termed as inadequate. We are of the view that just and reasonable compensation was granted under all the heads and no interference is required in this appeal.

Appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.A.C.A. NO.636/2007

JUDGMENT

Dated:23rd May, 2007